

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEW MEXICO  
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CR 05-1849 JH

UNITED STATES OF AMERICA,  
*Plaintiff,*

v.

SALVADOR ABEYTA,  
*Defendant,*

**MOTION TO MODIFY RELEASE CONDITIONS**

Defendant, through undersigned counsel, hereby moves to modify the conditions of defendant's release on grounds set forth herein.

On June 15, 2006, this Court ordered that Defendant install an ignition interlock device on his vehicle in light of his alleged alcohol consumption in December of 2005. To date, Defendant has fully complied with this condition, has successfully participated in regular urinalysis for both drugs and alcohol, and has been compliant with all other conditions of release imposed by this Court.

Defendant's maintaining an ignition interlock device in his vehicle costs roughly \$90 per month. Defendant has advised the undersigned that while this amount does not create a hardship, *per se*, these monies could be better spent on household expenses. Defendant further notes that since his arrest, he has had to attain employment that pays substantially less than his previous employment.

The circumstances leading up to the Court's imposition of additional release conditions can be viewed as nothing short of foolish and irresponsible behavior on Defendant's part. He is

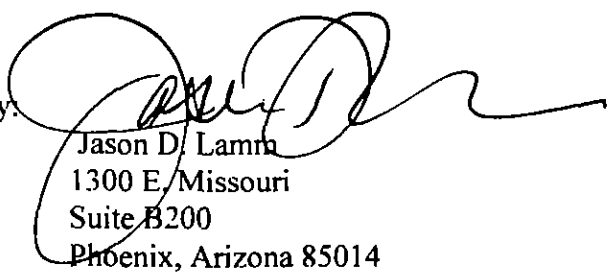
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fully mindful that a repeat occurrence of such behavior will likely land him in custody. He is regretful of his conduct and will not engage in similar conduct in the future. Respectfully, the Court's message was heard 'loud and clear' by Defendant. Maintaining the interlock device in Defendant's vehicle is no longer necessary.

Assistant United States Attorney James Braun takes no position on this motion and simply defers to Pretrial Services. The undersigned has personally consulted Michelle Bertinetti, Defendant's supervising Pretrial Services Officer. She does not oppose this request.

Dated this 5<sup>th</sup> of December, 2006.

By:



Jason D. Lamm  
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**FOR THE DISTRICT OF NEW MEXICO**

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SALVADOR ABEYTA,  
*Defendant,*


**CERTIFICATE OF SERVICE OF**  
**MOTION TO MODIFY RELEASE CONDITIONS**

I certify that a copy of the above pleading was mailed to the attorney for the United States  
of America:

James Braun, Esquire  
Assistant United States Attorney  
P.O. Box 607,  
Albuquerque, New Mexico 87103

Michelle Bertinetti  
United States Pretrial Services  
401 W. Washington  
Phoenix, Arizona 85003

on December 5<sup>th</sup>, 2006

  
Jason D. Lamm  
Attorney for Defendant